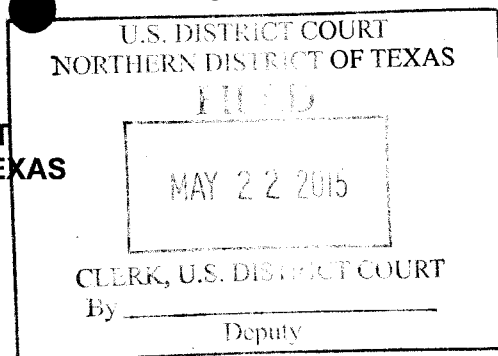


ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



HENRY LEE SIMS, JR., *et al.*,

Plaintiffs,

VS.

KIA MOTORS AMERICA, INC. and
KIA MOTORS CORPORATION,

Defendants.

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CASE NO. 4:14-cv-00045-A

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO USE OVERSIZED
DEMONSTRATIVE EXHIBIT**

I. RESPONSE

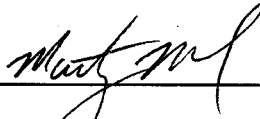
Defendants seek permission to use an oversized exhibit at trial. This demonstrative exhibit appears to be a cross-section of a 2010 Kia Soul.

Plaintiffs were first made aware of the existence of this exhibit during the April 17, 2015, deposition of defense expert, Jack Ridenour.¹ Plaintiffs were informed during Mr. Ridenour's deposition that the "trial buck" was being housed at a different location in the State of Michigan. Consequently, plaintiffs' counsel and plaintiffs' experts have not had the opportunity to inspect this evidence.

Therefore, plaintiffs ask the court to delay ruling on defendants' motion until after plaintiffs' are afforded a reasonable opportunity to inspect this "trial buck." And as the proponents of the evidence, defendants should make the buck available in the Fort Worth-area, rather than in force plaintiffs' to incur the expense flying to Michigan, for an inspection of their proposed evidence.

¹ Defendants' contention that the buck was "disclosed" to plaintiffs is an accurate, though incomplete statement. In the fourteen pages of attachments to Mr. Ridenour's report, was the following entry: "2010 Kia Soul partial vehicle trial buck". No further explanation is provided and no photographs depicting the "buck" were included.

Respectfully submitted,



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COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all known counsel of record in this cause in accordance with the Federal Rules of Civil Procedure on this 22nd day of May, 2015.

